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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,531	08/28/2003	Tobias Horngren	14069.2US01	9032
23552	7590	03/22/2006		
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT 3676	PAPER NUMBER

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/650,531	HORNGREN ET AL.	
	Examiner	Art Unit	
	Christopher Boswell	3676	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
Period for Reply			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.			
<ul style="list-style-type: none"> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 			
Status			
1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>27 December 2005</u> .			
2a) <input checked="" type="checkbox"/> This action is FINAL . 2b) <input type="checkbox"/> This action is non-final.			
3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.			
Disposition of Claims			
4) <input checked="" type="checkbox"/> Claim(s) <u>1,3-7,9-29 and 31</u> is/are pending in the application.			
4a) Of the above claim(s) _____ is/are withdrawn from consideration.			
5) <input type="checkbox"/> Claim(s) _____ is/are allowed.			
6) <input checked="" type="checkbox"/> Claim(s) <u>1,3-7,9-29 and 31</u> is/are rejected.			
7) <input type="checkbox"/> Claim(s) _____ is/are objected to.			
8) <input type="checkbox"/> Claim(s) _____ are subject to restriction and/or election requirement.			
Application Papers			
9) <input type="checkbox"/> The specification is objected to by the Examiner.			
10) <input checked="" type="checkbox"/> The drawing(s) filed on <u>28 August 2003</u> is/are: a) <input checked="" type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.			
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).			
11) <input type="checkbox"/> The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.			
Priority under 35 U.S.C. § 119			
12) <input type="checkbox"/> Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).			
a) <input type="checkbox"/> All b) <input type="checkbox"/> Some * c) <input type="checkbox"/> None of:			
1. <input type="checkbox"/> Certified copies of the priority documents have been received.			
2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.			
3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).			
* See the attached detailed Office action for a list of the certified copies not received.			
Attachment(s)			
1) <input type="checkbox"/> Notice of References Cited (PTO-892)		4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.	
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)		5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)	
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>12/27/05</u> .		6) <input type="checkbox"/> Other: _____.	

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-7, 9-29, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,374,648 to Mitsuyama, in view of U.S. Patent Application Publication Number 2002/0003095 to Jaeb et al.

Mitsuyama discloses a security device for retaining items having a first security member (7) and a second security member (5), wherein the first and second security members are engaged at a closed position for retaining an item, a lock slide (B) mounted to the first security member (column 5, lines 42-48) and displaceable between an unlocked position (figure 1) wherein the security device can be opened and a locked position (figure 6) for maintaining the security device in the closed position, and latch (21) including a spring blade (25; column 6, lines 49-52) configured to engage with a stop member (6 and 24) for maintaining the lock slide in the locked position, wherein the lock slide comprises a resilient material (column 6, lines 49-52), the spring blade forms an integral part of the lock slide, and the stop member is arranged on the second security member (figures 5 and 6), as in claim 1. However, Mitsuyama does not disclose the lock slide being made from a magnetic material. Jaeb et al. teach of a lockable security container (10) having a locking slide element (18) with an integral resilient magnetic material (72) to retain the lock slide in a locked position in the same field of endeavor for the purpose of

having security boxes that are easy to unload so that a retail clerk does not have to spend excessive time unlocking and unloading the security storage container (paragraph 0006, lines 10-14). It would have been obvious to one with ordinary skill in the art at the time the invention was made to manufacture the spring blade of the lock slide of Mitsyama from a magnetic material, as taught by Jaeb et al. in order to have a security box that is easy to unload so that a user does not have to spend excessive time unlocking the security box.

Mitsuyama also discloses the spring blade extending from a principal plane of the lock slide (figure 6), as in claim 3, where the spring blade is configured to engage the stop member (figure 6), in the locked position, as in claim 4, wherein the stop member is a shoulder portion of a recessed portion on the second security member (figures 7 and 8), as in claims 5 and 6, as well as the security device having a plurality of spring blades and a plurality of corresponding stop members, spaced apart along the lock slide (figure 6), as in claim 7.

Mitsuyama further discloses the lock slide having a protruding tooth (25), the tooth engages with a projecting tab (6) on the second security member in the locked position, as in claim 9, wherein the tooth is bent out portion of the lock slide, protruding from a principal plane of the lock slide (figure 6), as in claim 11, and a plurality of teeth and tabs are provided (figure 6), spaced apart along the lock slide, as in claim 12, as well as the first security member has a first projecting tab (8), and the second security member has a second projecting tab (6), wherein the second projecting tab passes adjacent to the first tab when assuming the closed position, wherein the lock slide has a protruding tooth (25) assuming a position between and at least partly overlapping the first and second tabs in the locked position (figures 6-8), as in claim 10.

Mitsuyama additionally discloses the security members are configured to completely enclose a retained item in the closed position (column 5, lines 35-38), as in claims 13 and 14, where the security members are joined and locked to each other at respective first ends (figure 1), and are hinged together (3) at respective second ends opposite the first ends, as in claim 15, as well as the security members are joined and locked to each other at respective first ends (figure 1), and adapted to be hooked together (hooked together by hinge 3) at respective second ends opposite the first ends, as in claim 16, and where the security members are joined and locked to each other at respective first ends, and at respective second ends opposite the first ends (figure 1 and hinge 3), as in claim 17.

Mitsuyama also discloses the first security member is a base member and the second security member is a lid member, wherein the base and lid members form a box-like structure in the closed position (figure 1), as in claim 18, wherein the base member has a front wall carrying the lock slide on an inner side thereof (9 of element 7), and the lid member has a front wall positioned on an inner side of the lock slide in the locked position (9 of element 5), as in claim 19, as well as the lid member having a flange (the overhang of element 9) projecting from the front wall thereof, wherein the flange in the closed position engages with the front wall of the base member and encloses the lock slide in the box-like structure (figure 1), as in claim 20, and where the lock slide further comprises a maneuver means (74) projecting through an aperture (73) in a side portion of the first security member, as in claim 21, and further comprising an alarm tag (41), as in claim 22.

Mitsuyama further discloses a security device for holding items, having a first security member (7) and a second security member (5) including a stop member (6 and 24), wherein the first and second security members are engaged at a closed position for retaining an item (column 5, lines 35-38), a lock slide (B) mounted to the first security member (column 5, lines 42-48) and displaceable between an unlocked position (figure 1) wherein the security device can be opened and a locked position (figure 6) for maintaining the security device in the closed position, the lock slide comprising a resilient material (column 6, lines 49-52), and a latch (21) for maintaining the lock slide in the locked position, wherein the latch is carried on the first security member (the latch is carried by both the first and second security members), and is configured to engage with the stop member in the locked position (figures 6-8), as in claim 23. However, Mitsuyama does not disclose the lock slide being made from a magnetic material. Jaeb et al. teach of a lockable security container (10) having a locking slide element (18) with an integral resilient magnetic material (72) to retain the lock slide in a locked position in the same field of endeavor for the purpose of having security boxes that are easy to unload so that a retail clerk does not have to spend excessive time unlocking and unloading the security storage container (paragraph 0006, lines 10-14). It would have been obvious to one with ordinary skill in the art at the time the invention was made to manufacture the lock slide of Mitsyama from a magnetic material, as taught by Jaeb et al. in order to have a security box that is easy to unload so that a user does not have to spend excessive time unlocking the security box.

Mitsuyama additionally discloses the latch means comprising a spring blade (25; column 6, lines 49-52) extending from a principal plane of the lock slide, as in claim 24, and where the

spring blade is configured to engage with the stop member (figures 6-8) in the locked position, as in claim 26, as well as the latch means having a plurality of spring blades and a plurality of corresponding stop members, spaced apart along the lock slide (figure 6), as in claim 27, and the stop member is a shoulder portion of a recessed portion on the second security member, as in claims 28 and 29, and where the latch is integral with the lock slide (figures 5 and 6), as in claim 25, as well as the security device having an alarm tag (41), as in claim 31.

Response to Arguments

Applicant's arguments filed December 27, 2005 have been fully considered but they are not persuasive. Regarding the argument that Mitsuyama does not disclose a lock slide mounted to the first security member and displaceable between an unlocked and locked position, the examiner respectfully disagrees. Mitsuyama discloses the lock slide being mounted in the first security member as well as being displaceable for the locked position to an unlocked position. Wherein the claims are absent of when and how the lock slide is mounted to the first security member.

Regarding the argument that Jaeb et al. does not disclose the material composition of the locking slide element, and that element 72 does not comprise any part of the locking slide, the examiner respectfully disagrees. The examiner points to Jaeb et al. as a teaching reference to suggest the use of a resilient magnetic spring blade used to function as a locking element within a secure storage device. Where the spring blade (72) forms an integral part of the lock slide, and the examiner pointed to this teaching to modify the spring blade within the lock slide of

Mitsuyama out of a resilient magnetic material for the ability to have a security box that is easy to unload so that a user does not have to spend excessive time unlocking the security box

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CJB *CB*
March 13, 2006



Suzanne Dino Barrett
Primary Examiner